

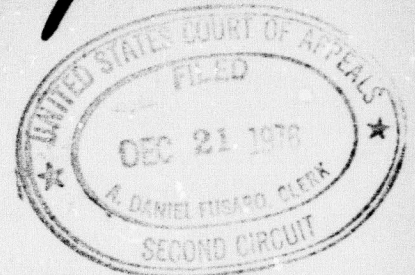
***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
BRIEF &
APPENDIX**

76-7409

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT



-----x
GRACE FAUERBACH,

Plaintiff,

v.

Docket No.
76-7409

MR No. T-6404

FIRST NATIONAL CITY BANK
399 Park Avenue
New York, New York 10019

John Hieney, Initiator of Problem
"Sam" Mielilos (?), Organizer
(now known as Mr. Michelangelo)
Mr. Griffin, IBG Personnel, in
charge of Montego Bay rally
Mr. Z. Elston, Detective in its employ

Defendants.
-----x

BRIEF

+ APPENDIX

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This Brief is respectfully submitted to bring to light reasons why the Court of Appeals should consider the above-named case. Additional information in the following documents, appended hereto, will also serve this purpose:

1. Affidavit in Opposition to Citibank's Motion to Dismiss This Action
2. Affidavit in Response to Affidavit of John E. Hoffman, Jr., Attorney for Defendant Bank

The above-mentioned case (75 CIV 5242) was aborted in District Court through underhanded methods on the part of the Defendant bank employees and collaborators who were, at the time, facing prison terms for having abused Plaintiff. They, 50+ in number, downed Plaintiff before the Court (Judge Griesa) shortly before the scheduled hearing through malacious fabrications and through overriding influence on the scene (i.e. influential bank and police department). Plaintiff was not there to contend these

false allegations of her, and no one else checked them out for veracity. The Court, having only a one-sided view of a 2-sided question, decided in Defendant's favor to abort the case; the Defendant and collaborators, ^{being} many in number, as opposed to one person on the opposing side might have had an ~~overriding~~ influence on the Court's decision despite the deception involved.

The hearing took place, but was cut in time and effort and without proper consideration of the facts. Plaintiff was unnecessarily interrupted in her explanation of the general situation, and there was no time for details. The complexity of the issue made it difficult to give an all-encompassing presentation bringing out important points, and there was no exchange between the two opposing parties as the Attorney for the Defendant bank refused to answer the Plaintiff's direct questions. The people listed as affiliated with the Defendant bank and responsible for deliberate abuse to Plaintiff were conveniently not there. Despite the expense involved, the hearing was to no avail or help to the Plaintiff. It did not stop the Defendant bank collaborators' abusive actions against her; indeed it succeeded in putting Plaintiff on unemployment insurance and reducing her to penury by stealing her financial resources and maliciously stopping her employment in the City of New York.


At this writing, according to radio and TV comments, the case is won for the Plaintiff, the Defendant bank having acquiesced. However, two points remain without solution:

1. Compensatory payment to Plaintiff for a 5-1/3 year period of continual abuse without valid reason. (August, 1971 through December, 1976) - And without further delay, and with additional fines for late payment included. The abuse includes

scourging through defamation of character and abuse of a sexual and personal nature; also a literal cutting-asunder by taking life's essentials (employment and financial resources) away.

2. The permanent closing down of the premises of Citibank at 399 Park Avenue for its role in deliberately and maliciously plotting and accomplishing the financial and moral undoing of an innocent person through false accusation disseminated worldwide to capture sympathetic public opinion for itself, since Citibank is a worldwide organization along with Citicorp, in an effort to thwart death penalties, long prison terms, and tremendous fines. Due to the gravity of the situation, Plaintiff feels it is not too much to ask.

Therefore, the purpose of the Court of Appeals hearing would be the fulfillment of these two requests. Plaintiff also feels suitable compensation from District Court for having unjustifiably aborted case is appropriate and to be requested.



Grace Fauerbach, Plaintiff

December 18, 1976

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PLAINTIFFS

FAUERBACH, GRACE

DEFENDANTS

GRISIA

HIENEY, JOHN-Initiator of problem
MIRLIOS, "CAM" (?), Organizer
Mr. GRIFFIN, IDG Personnel, in charge
of Montego Bay rally
Z. ELSTON, Detective in its employ

FIRST NATIONAL CITY BANK
399 Park Ave.
New York, N.Y. 10019

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CAUSE

MW

Slander

ATTORNEYS

Pro se
FAUERBACH, GRACE
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Hickensack, N.Y. 07001

SHEARMAN & STERLING
53 Wall St-NYC 10005 (483-1000)
(for deft. First National City Bank)

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STATISTICAL CARDS

CARD	DATE MAILED
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JS 6	✓

OCT 22 1975

FAUERBACH Vs. HIENEY, JOHN et al

GRIESA J.

75-Civ. 5242

DATE	NR.	PROCEEDINGS
10-22-75	1	Filed complt. and issued summons.
11-5-75		<div>Filed summons & Marshal's return.</div> <div> <div>Mr. Z. Elston</div> <div>Mr. Griffin</div> <div>Mr. Sam Mielilos</div> <div>Mr. Wm. Spencer</div> <div>Mr. John Heiney</div> </div> <div> <div>Served:</div> <div>By: Cap't Riley</div> <div>Vincent A. Franz</div> <div>" " "</div> <div>" " "</div> <div>" " "</div> </div> <div> <div>10-24-75</div> <div>10-28-75</div> <div>10-28-75</div> <div>10-28-75</div> <div>10-28-75</div> </div>
11-24-75	2	Filed ANSWER of deft. First National City Bank to the complaint. (S&S)
03-05-76		PRE-TRIAL CONFERENCE HELD BY GRIESA, J.
04-21-76	(3)	Filed Memorandum - Order & Opinion # 44,275-- for the reasons stated, the complaint is dismissed. So ordered- GRIESA, J. (m/n)
07-21-76	(4)	Filed Memo Endorsed on Notice of appeal and motion to proceed in forma pauperis.....Motion granted. So Ordered. GRIESA, J
08-20-76	(5)	Filed NOTICE OF APPEAL to USCA 2nd Circuit that Pltff appeals from the decision and order of Griesa, J. dismissing her complaint on 4-20-76 m-n to: Grace Fauerbach, Pltff, 90 Prospect Ave. Hackensack, N.J. 07601 and Shearman and Sterling, 53 Wall St. New York, N.Y. 10005 .
09-24-76	6	Filed Notice that the record on Appeal has been Certified and Transmitted to the U.S.C.A.

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✓ (2)
MR 11 2 AM '76
(WQ)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GRACE FAUERBACH,

Plaintiff,

v.

75 Civ. 5242

FIRST NATIONAL CITY BANK, JOHN
HIENEY, "SAM" MIELILOS (?), MR.
GRIFFIN, Z ELSTON, et al.

MEMORANDUM

-----X
GRIESA, J.

MICROFILM

The complaint is dismissed, as being hopelessly incoherent and beyond the ability of a defendant to answer or the Court to deal with. Moreover, jurisdiction in this action is based solely on diversity of citizenship; and there is no complete diversity since plaintiff is a resident of New Jersey and at least one of the defendants who have been served also resides in New Jersey.

The complaint is dismissed.

So ordered.

Dated: New York, New York
April 20, 1976

Thomas P. Griesa

THOMAS P. GRIESA
U.S.D.J.

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